

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 22, 2007

DIVISION ONE

B188809 People (Not for Publication)
v.
Russell

The true findings on the allegations that Russell had suffered one prior strike conviction that also qualified as a serious felony and had served one prior prison term, and the order denying his motion for a new trial are reversed; the sentence is vacated, and the cause is remanded for a new trial on the priors, a new hearing on the new trial motion and resentencing. In all other respects, the judgment is affirmed. When the further proceedings are completed, the trial court shall issue a new abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B186073 People (Not for Publication)
v.
Cruz

The judgment is affirmed, the sentence is vacated, and the matter is remanded for resentencing.

Mallano, J.

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

DIVISION ONE (Continued)

B187552 People (Not for Publication)

V.

Gutierrez

The judgment is reversed with respect count 3. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.

Jackson, J. (Assigned)

B189513 People (Not for Publication)

V.

Lorthridge

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.

Vogel, J.

B190555 People (Not for Publication)

V.

Michael Bowen Smith

The judgment is reversed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.

Rothschild, J.

DIVISION ONE (Continued)

B191117 Albert Aimers (Not for Publication)

v.

Al Moshiri

The judgment is reversed. Appellant(s) to recover costs.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B189571 Highland Construction (Not for Publication)

v.

Department of Transportation

The judgment and order denying the motion for a new trial are affirmed.
DOT is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B191651 Carlos Sanchez (Not for Publication)

v.

Renato Villasenor et al.

The judgment is affirmed. Sanchez is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

March 22, 2007 (Continued)

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B187376	People v. Magdaleno
B193908	In re Sophia P.
B188655	People v. Sokveoun S.
B189037	People v. Aguilar
B191396	People v. Conway
B190009	People v. Sena
B191922	People v. Torres
B191344	Martorano v. Fagan
B192284	In re Robin M.
B192610	In re Isabel A.

Argument waived, cause submitted.

B189949	People
	v.
	Furlow

Merits:

Argued by Roderick Leonard for appellant and by Russell Lehman, Deputy
Attorney General for respondent. Cause submitted.

B190870	People
	v.
	Adams

Merits:

Argued by Kevin Sheely for appellant and by Kenneth Sokoler, Deputy
Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B190785 Wachter et al.
 v.
 Tobin Steel Company Inc.

Merits:
Argued by Brian Unitt for appellants and by Jerri Johnson for respondent.
Cause submitted.

B191958 In re Olson
 on
 Habeas Corpus

Merits:
Argued by David Nikerson for petitioner and by J. Conrad Schroeder,
Deputy Attorney General for respondent. Cause submitted.

B191738 Bronstein et al.
 v.
 Crowell, Weedon & Co. et al.

Merits:
Argued by Leonard Steiner for appellants and by Jon Rewinski for
respondents. Cause submitted.

B186021 Lee
 v.
 Pak

Merits:
Argued by Roy Weatherup for appellant and by Lawrence Guzin for
respondent. Cause submitted.

March 22, 2007 (Continued)

DIVISION TWO (Continued)

B187090 Susan B. et al.,
v.
Chicago Insurance Co.

Merits:

Argued by John Weiss, Katherine Pene & Drew Antablin for appellants and
by Bethany Culp for respondent. Cause submitted.

B190299 Bren
v.
Gold

Merits:

Argued by Hillel Chodos for appellant and by Daniel Petrocelli for
respondent. Cause submitted.

Court in recess until 1:00 P.M.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B188834 People v. Jordan
B189842 People v. Herrera
B189832 People v. Caballero

Argument waived, cause submitted.

DIVISION TWO (Continued)

B190614 Rothenberg
 v.
 Arnold

Merits:

Argued by Erik Rothenberg, appellant in propria persona and by Lee Garry for respondent. Cause submitted.

B190490 Gonzalez
 v.
 Planned Parenthood Los Angeles

Merits:

Argued by Maurice S. Newman for appellant and by Freya Russell for respondent. Cause submitted.

B190956 Newman
 v.
 MBNA America Bank

Merits:

Argued by Richard Davis for respondent. Ray Newman, appellant in propria persona appears and waives oral argument. Cause submitted.

B188589 Spirtos
 v.
 Mosley, et al.

Merits:

Argued by Jon Eardley for appellant and by Allen Michel for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B187706 Jordan (Certified for Publication)

V.

Allstate Insurance Company

The judgment is reversed and the matter is remanded for further proceedings consistent with the views expressed herein. Jordan shall recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B189412 People

V.

Ismael Bojorques

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B194078 Beatric Cohen et al

V.

Johnson & Johnson et al

B196905 Susan Szymanski et al

V.

The Regents of the University of California et al

Filed order consolidating above captioned appeals.

DIVISION FOUR

B189457 Wingate (Not for Publication)

V.

Rhinotek Licensing LLC

The judgment is affirmed. Each party to bear their own costs.

Suzukawa, J.

We concur: Willhite, Acting P.J.

Manella, J.

B188772 Soni (Not for Publication)

V.

Sheldon & Mak et al.

The order confirming the arbitration award is affirmed. Respondents shall recover their costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.

Manella, J.

B190916 People (Not for Publication)

V.

Gomez

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

DIVISION SIX

B190898 People (Not for Publication)

V.
Trujillo

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B190881 People (Not for Publication)

V.
Garcia

The upper term sentences are vacated and we remand the matter for resentencing. (*Cunningham v. California, supra*, 549 U. S. __ [127 S.Ct 856].) In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B194512 Knight et al., (Certified for Publication)

v.
Ferguson et al.,

The order is affirmed. Costs are awarded to respondents on appeal.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B188092 People (Not for Publication)

V.

Martinez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B186160 People (Not for Publication)

V.

Munoz

The trial court is directed to amend the abstract of judgment to reflect a stay of sentence pursuant to section 654 regarding counts 2 and 3, and to forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B190654 People (Not for Publication)

V.

Reilly

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

March 22, 2007 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B192364 People (Not for Publication)
v.
Antunez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B193844 People (Not for Publication)
v.
Simpson

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

March 22, 2007 (Continued)

DIVISION EIGHT

B191242 People (Not for Publication)
v.
Smith, Jr.,

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B191879 Amalgamated Transit Union, Local 1756, AFL-CIO, et al.,
v.
Superior Court, Los Angeles County
(First Transit, Inc., et al., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)